

**MEETING MINUTES**  
**PUBLIC SERVICES COUNCIL COMMITTEE**  
**Monday, August 26, 2019**  
**Public Services Large Conference Room**  
**560 S 16<sup>th</sup> Street**

In Attendance:

Council Member – Jim Sandager  
Council Member – Kevin Trevillyan  
City Manager – Tom Hadden  
Deputy City Manager – Jamie Letzring  
Assistant City Attorney – Greta Truman

City Engineer – Brian Hemesath  
Public Services Director – Bret Hodne  
Public Services Deputy Director – Joe Cory  
Comm & Econ Dev Director – Clyde Evans  
Principal Engineer – Ben McAlister  
Public Services Superintendent – Kevin Hensley

Guests in Attendance: None

Meeting was called to order at 11:37 AM by City Engineer, Brian Hemesath.

**1. Grand Living Temporary Grading Easement (BJM)**

***Issue Summary:***

Staff has been approached by Bishop Engineering, representing Ryan Companies, regarding granting a temporary construction easement for grading along the west edge of the water tower parcel on S 50<sup>th</sup> St. Ryan Companies is constructing a senior living complex known as Grand Living west of the water tower. Granting the easement would allow approximately 2 feet of fill to be placed on City property, eliminating the need for a 4' retaining wall on the Grand Living site. Overall impact to the City's property appears to be minimal. Staff has provided the proposed easement and grading to West Des Moines Water Works for review and comment. Water Works Staff responded with the following list of conditions:

- Ensure there are no site modifications that are triggered by granting the temporary easement on our site.
- The trees located nearby are replaced by the Developer if they die within 2 years of the grading work.
- In lieu of payment for the temporary easement, Water Works requests they plant 6 trees on the frontage of the property of at least 1.5 inch in diameter. We can work with the City staff on any recommended types and help with the locations.
- Any temporary easement should be submitted for approval by the Board of Trustees. They could receive a conditional approval from the City for grading on the rest of the property pending approval of the temporary easement at our next board meeting

Staff is seeking input from the Committee Members on the following items:

1. Is the Committee supportive of allowing the easement and grading on public property to accommodate development of the Grand Living development?

2. Does the City have any conditions or compensation requirements for granting said easement?
3. What, if any, WDMWW conditions are required?

This item was discussed at the August 12, 2019 PSCC meeting and Staff was asked to:

1. Review the City's lease for the property.
2. Prepare a compensation estimate for the easement as well as an estimate for the installation of 6 trees.

**Direction:** The PSCC was supportive of allowing the easement and grading on public property to accommodate the Grand Living development. The Committee also supported the planting of 6 trees on the frontage of the property in lieu of payment for the temporary easement. The Committee recommends the WDMWW Board of Trustees approve the temporary easement prior to approval by full Council.

## **2. Quail Park Woods Sidewalk (BJM)**

### **Issue Summary:**

The City's subdivision ordinance requires installation of sidewalks along the entire width and/or length of all sides of any lot or lots which abut a public street. Generally, applicants fulfill this obligation by providing a performance bond guaranteeing sidewalk construction as part of home construction. The Quail Park Woods subdivision is located on the north side of Grand Avenue and abuts Quail Park Dr on the east boundary. During final platting the developer bonded for sidewalks within the development and Quail Park Dr. All home construction is complete, and sidewalks have been installed within the development. Since sidewalks along Quail Park Dr have been previously deferred by Council the Applicant has requested a total release of the sidewalk bond. Staff is seeking input from the Subcommittee members whether to retain a portion of the bond to cover the future installation of sidewalk along Quail Park Dr in the event a future Council action orders installation or release the bond and assess the abutting owners for sidewalk installation.

**Direction:** The PSCC was supportive of Staff releasing the bond. If future Councils orders installation of sidewalks the cost can be assessed to the abutting property owner.

## **3. Grand Valley/S. 35<sup>th</sup> Street Drainage (BJM)**

### **Issue Summary:**

Staff has previously presented drainage problems along S 35<sup>th</sup> St between Grand Avenue and Grand Valley Dr. The owner of 3476 Grand Valley Dr has experienced repeated ponding in their backyard due to overtopping of S 35<sup>th</sup> St. The owner did not indicate any interior damage, only ponding in the yard area. Staff have investigated the situation and believe drainage from 80+ acres to the west diverts toward S 35<sup>th</sup> St during intense rainfall events rather than following the historical drainage path. The road ditch has been regraded to the maximum possible depth while maintaining positive drainage, but the lack of capacity causes roadway

overtopping. Based on previous Subcommittee recommendation Staff have contacted the designer of Grand Valley to review their design and develop a recommended solution. The designer has completed an analysis including temporary and permanent alternatives. Staff is seeking input from the Subcommittee on the recommended solution and when to program implementation.

**Direction:** The PSCC supported construction of the interim improvements in next year's fiscal budget.

#### **4. 1429 19<sup>th</sup> Street Right-of-Way (BJH)**

**Issue Summary:**

The property owner at 1429 19<sup>th</sup> Street wants to build an addition to the south side of their house. The house is at the corner of 19<sup>th</sup> Street and Center Place. The planned addition will encroach the building setbacks.

When Interstate 235 was constructed through this area, several lots were purchased and many of the north/south streets were cut off. The Iowa DOT constructed Center Place to connect the cut-off streets to 17<sup>th</sup> Street that crosses under I-235. This left the right of way of Center Place very irregular. The right of way on the south is at or near the south curb line leaving no room for utilities. The north right of way goes well north beyond the sidewalk but is necessary to house the existing and future utility needs.

The City has been asked if we would sell right of way on the north side of Center Place to give the property owner the setback distance necessary for the building addition they desire. Staff provides the following points regarding selling the right of way.

- The property owner would not need to take a variance request to Board of Adjustment. There is no guarantee a variance would be approved.
- Required right of way for Center Place (a minor collector) is 70 feet. Right of way is currently between 54 and 62 feet. This process could take it down to as little as 34 feet total.
- The right of way is full of utilities and if the right of way were sold, we would have to keep the entire area in permanent easement.
- The south right of way line is essentially at the back of curb so no utilities can be placed in the south right of way.
- A rough compensation estimate was done for the right of way. Approximately \$1600.
- The property owner would need to hire a surveyor to prepare an acquisition plat or plat of survey to convey the property. New property corners would also need to be set. There are costs associated with that.
- There will be costs for recording the above mentioned documents.

Staff is seeking direction on whether to sell the right of way so the property owner can meet setback requirements for their addition.

**Direction:** The PSCC was supportive of the City selling the right of way necessary to the property owner to achieve the desired setback.

## **5. Weekend Work Requests**

Contractors are requesting permission from the PSCC to work weekends (mainly Saturday from 8am-5pm with possibility of Sunday similar times should weather warrant) on the following projects:

- None at this time.

## **6. Review of Items for Council Meeting (September 3, 2019)**

### **ENGINEERING COUNCIL AGENDA ITEMS:**

#### **CONSENT AGENDA**

##### **Resolution – Approving Professional Services Agreement**

- **Park Restrooms & Shelters – Phase 2 Misc. Repairs**  
(0510-026-2019) Benjamin Design Collaborative, P.C.
- **Gas Detection System Upgrades – Various Facilities**  
(0510-016-2019) Resource Consulting Engineers, LLC
- **Public Safety Station #19 Bay Heater & Exhaust System**  
(0510-017-2019) Resource Consulting Engineers, LLC
- **Asset Management Phase 1**  
(0510-029-2019) Shive-Hattery, Inc.

##### **Motion – Approval of Amendment No. 1 to Professional Services Agreement**

- **Grand Avenue, South Jordan Creek Parkway to South 88<sup>th</sup> Street**  
(0510-056-2018) Olsson & Associates
- **Valley West Drive & Westown Parkway Storm Sewer Improvements**  
(0510-070-2017) Shive-Hattery, Inc.

##### **Resolution – Order Construction**

- **Library Interior Improvements**  
(0510-005-2019) Benjamin Design Collaborative, P.C.

##### **Resolution – Accept Work**

- **2017 Sewer Rehabilitation Program**  
(0510-066-2017) Hydro-Klean, LLC & AECOM Technical Services, Inc.

#### **PUBLIC HEARINGS**

None at this time.

**7. Staff Updates:**

City Engineer, Brian Hemesath advised the Committee, that after discussions with the property owner at 1301 20<sup>th</sup> Street, the owner is no longer wishing to sell her home. Councilperson Trevillyan indicated that the house just to the north at 1305 20<sup>th</sup> Street may be vacant. Staff will look into the possibility of acquiring that property instead.

Assistant City Attorney, Jessica Spoden, informed Committee members that the legal department is working with the property owners at 208 S 30<sup>th</sup> regarding the removal of epoxy from their sidewalk.

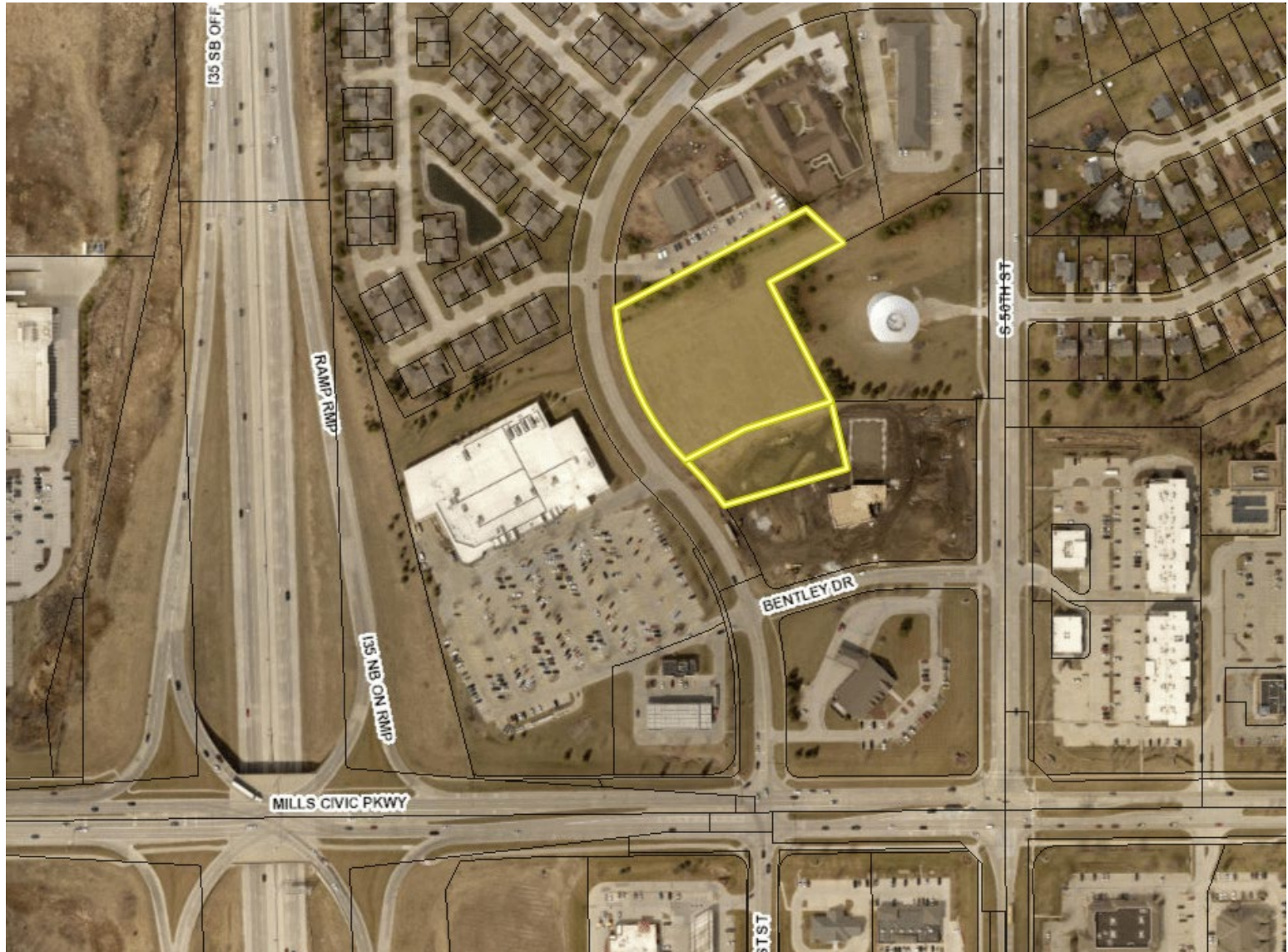
**8. Other Matters:**

None.

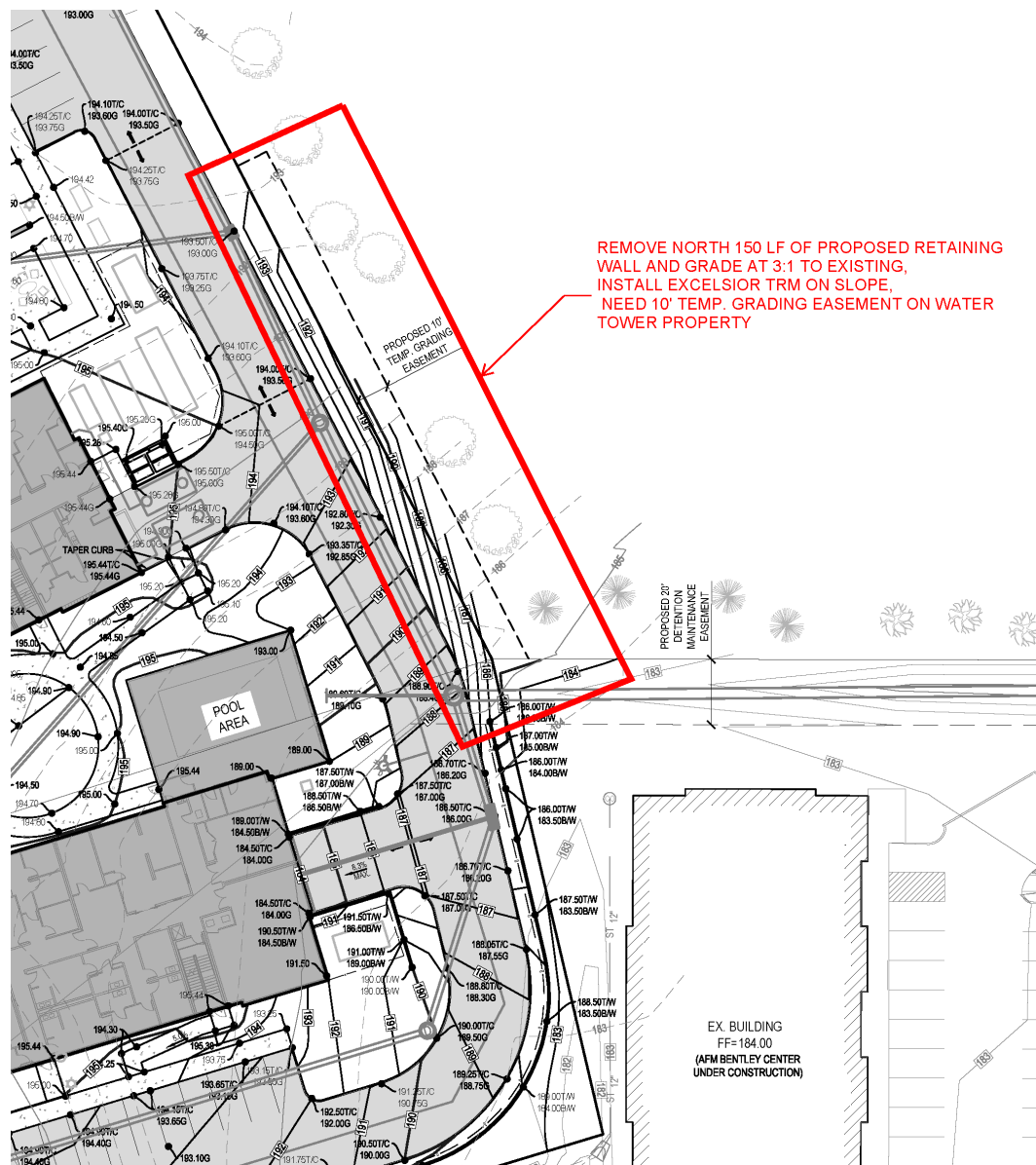
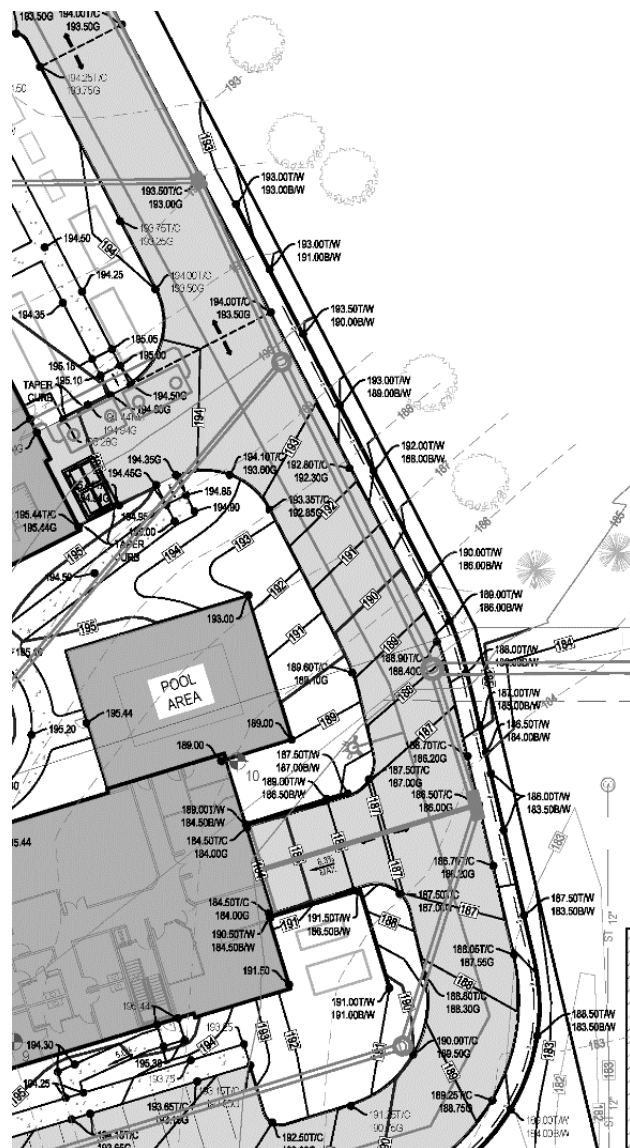
The meeting adjourned at 12:20 pm. The next Public Services Council Committee meeting is scheduled for September 9, 2019.

A recording was made. Respectfully submitted by Juanita Greer, Secretary.











# WDMWW Property Rights

- Iowa Code 388.4

2. The title to all property of a city utility or combined utility system must be held in the name of the city, but the utility board has all the powers and authorities of the city with respect to the acquisition by purchase, condemnation, or otherwise, lease, sale, or other disposition of such property, and the management, control, and operation of the same, subject to the requirements, terms, covenants, conditions, and provisions of any resolutions authorizing the issuance of revenue bonds, pledge orders, or other obligations which are payable from the revenues of the city utility or combined utility system, and which are then outstanding.

# Compensation Estimate

- 5 comparable sales in the area within last 3 years
- \$9-13/SF
- @\$10/SF ~\$1,360.00
- 6 trees @ \$300/tree -> \$1800.00

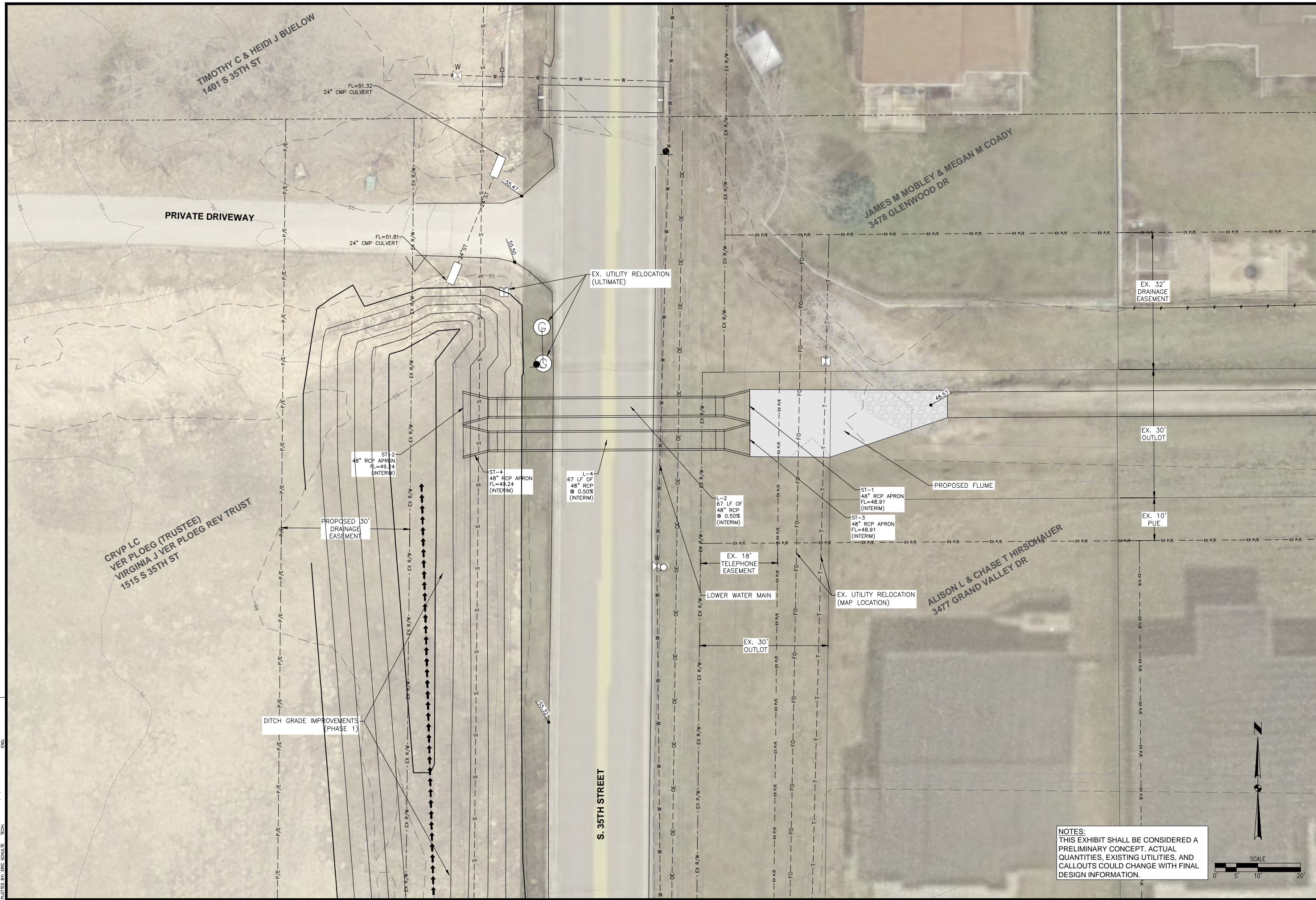
Item #3



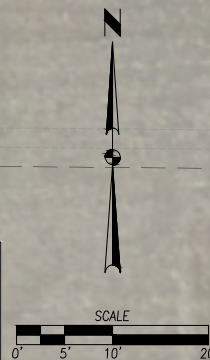






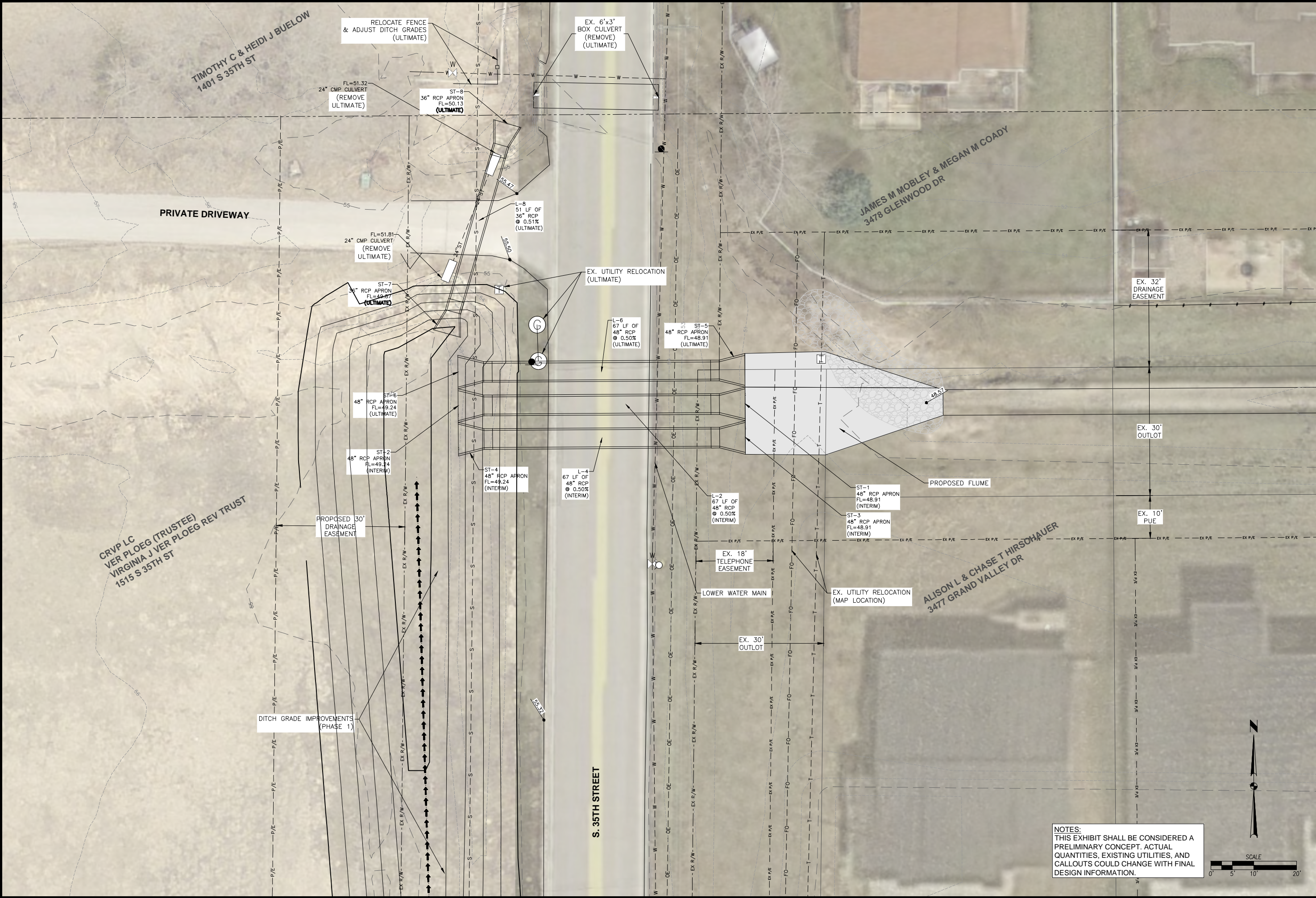


**NOTES:**  
THIS EXHIBIT SHALL BE CONSIDERED A PRELIMINARY CONCEPT. ACTUAL QUANTITIES, EXISTING UTILITIES, AND CALLOUTS COULD CHANGE WITH FINAL DESIGN INFORMATION.





FILE: H:\2018\1811627\DWG\1811627-SMP-S-35TH OFFSHOOTING  
DRAWING: 1811627-SMP-S-35TH OFFSHOOTING  
PLOTTER: 6/15/2019 3:49 PM  
DRAWN BY: EBC SCHULTE  
CHECKED BY: EBC SCHULTE



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3

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1811.627

SA

CIVIL DESIGN ADVANTAGE

WEST DES MOINES, IOWA

SOUTH 35TH STREET

CULVERT IMPROVEMENTS

OPTION #1 - ULTIMATE CONDITION

3405 S.E. CROSSROADS DRIVE, SUITE G

GRIMES, IOWA 50111

PHONE: (515) 369-4400 FAX: (515) 369-4410

ENGINEER: JAT

TECH: DSH

REVISIONS

NO.	DATE	DESCRIPTION
1	08/16/19	

PREPARED ON

08/16/19



